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SCHIFF HARDIN LLP
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

EXAMINER

FISHER, PAUL R

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3689

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,683	Applicant(s) NIETHAMMER, MATTHIAS	
	Examiner PAUL R. FISHER	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment submitted on June 16, 2008 has been acknowledged. Claims 1-12 have been amended. Claims 13-15 have been added. Claims 1-15 are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. In claim 3, the recitation of the term "An apparatus as claimed in claim 1", renders the claim indefinite. It is unclear if the applicant is referring to the system of claim 1, or specifically to the installed medical imaging apparatus in claim 1.

5. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The applicant's specification has stated that "the scanner control electronics 15 also serves as a router, either by software programming or hardwired connections, to establish a data link or communication channel between the power contrast agent 12

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and the remote access interface 13, thereby allowing remote servicing...". The term "router" in claim 1 is used by the claim to mean "data link or communication channel", while the accepted meaning is "A device that routes electronic messages along a particular communication path". The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson.**

As per claim 1, Shiraishi discloses a medical system (Paragraph 2; discloses that the apparatus can be used in a medical system) comprising:

an installed medical imaging apparatus comprising a plurality of permanently installed components including a control unit for operating the installed medical imaging apparatus (Figure 2, paragraphs 30-34; discloses that the medical imaging apparatus or computer comprises a plurality of permanently installed components where permanently installed refers to a component that is not easily removed, these components are RAM, CPU, ROM, HDD or hard drive with corresponding software. These components include a control unit which as described in the applicant's specification page 3, line 17, is the

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unit which allows communication with the remote location for servicing and maintenance, in this case the control unit is a combination of the software located on the computer and the network interface that allows the computer to communicate with the remote location);

a remote access interface connected to the control unit configured to allow the control unit to communicate with a remote location for remote servicing of the installed medical imaging apparatus (Fig. 2, character 10, paragraph 34; discloses the remote access interface);

an external device that is separate from said permanently installed components of said installed medical imaging apparatus and that is usable in combination with said installed medical imaging apparatus, said external device comprising an external device interface (Fig. 1, character 103, paragraph 30; discloses the external device in this example case it is a gantry apparatus. Figure 2; discloses that the gantry apparatus has an interface to connect with the imaging apparatus. Page 3, paragraph 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer);

said installed medical imaging apparatus having a remote access interface (Fig. 2, character 10, paragraph 34; discloses the interface for remote access) connected to

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said control unit, and connectible to said external device interface when said external device is used in combination with said installed medical imaging apparatus, to allow communication between said control unit and said external device (Paragraph 34; discloses the communication with the external device); and

said control unit comprising a router (data link or communication channel) configured to place said external device in communication with said remote access interface, via said external device interface, to allow remote servicing of said external device from said remote location through said remote access interface and said external device interface (Fig. 2, characters 9 and 10; disclose the router or communication channel that allows communication from the external device and the remote location).

While Shiraishi discloses an external device being a gantry apparatus it fails to explicitly disclose the specifics of the gantry apparatus particularly how it is installed.

Gregerson, which talks about a cantilevered gantry apparatus for x-ray imaging, teaches that a gantry apparatus is a separate unit which can be easily moved about by mounting it on a cart (Figures 1 and 2, page 2, paragraphs 23 and 24; teaches that a gantry apparatus can be easily moved about a room and that the images are not taken by the gantry but the scanning device which is mounted on the gantry and that the computer connected to the gantry is used with the gantry to move in particular user-defined positions).

Therefore, from this teaching of Gregerson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by Shiraishi, with a mobile gantry apparatus as shown in Gregerson, for the

purpose of ease of use. By making the gantry apparatus mobile the apparatus in conjunction with the computer imaging apparatus could be used in more places throughout the hospital as suggested in Gregerson.

As per claim 8, Shiraishi discloses a method for remotely servicing an external device used in combination with an installed medical imaging apparatus that comprises a plurality of permanently installed components, said external device being separate from said permanently installed components (Paragraphs 1-4; disclose that the invention relates to a medical system and services external devices Figure 2, paragraphs 30-34; discloses that the medical imaging apparatus or computer comprises a plurality of permanently installed components where permanently installed refers to a component that is not easily removed, these components are RAM, CPU, ROM, HDD or hard drive with corresponding software. These components include a control unit which as described in the applicant's specification page 3, line 17, is the unit which allows communication with the remote location for servicing and maintenance, in this case the control unit is a combination of the software located on the computer and the network interface that allows the computer to communicate with the remote location. Fig. 1, character 103, paragraph 30; discloses the external device in this example case it is a gantry apparatus. Figure 2; discloses that the gantry apparatus has an interface to connect with the imaging apparatus. Page 3, paragraph 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of

the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer), comprising the steps of:

providing said installed medical imaging apparatus with remote access equipment allowing remote servicing of said installed medical imaging apparatus (Fig. 2, characters 9 and 10, paragraph 3; disclose that the system includes remote access equipment for allowing the remote servicing of the installed medical apparatus);

connecting said external device to said installed medical imaging apparatus (Fig. 2, characters 9 and 103; disclose that the external device, which is in this example a gantry apparatus, is connected to the installed medical apparatus); and

temporarily connecting said external device to said remote access equipment in said installed medical imaging apparatus for allowing remote servicing of said external device through said remote access equipment of the installed medical imaging apparatus (Fig. 2, characters 9, 10, and 103, paragraph 4; disclose that the external device is connected to the remote access equipment in the installed medical system and that the service provider is able to have access to this equipment to perform maintenance service).

While Shiraishi discloses an external device being a gantry apparatus it fails to explicitly disclose the specifics of the gantry apparatus particularly how it is installed.

Gregerson, which talks about a cantilevered gantry apparatus for x-ray imaging, teaches that a gantry apparatus is a separate unit which can be easily moved about by mounting it on a cart (Figures 1 and 2, page 2, paragraphs 23 and 24; teaches that a

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gantry apparatus can be easily moved about a room and that the images are not taken by the gantry but the scanning device which is mounted on the gantry and that the computer connected to the gantry is used with the gantry to move in particular user-defined positions).

Therefore, from this teaching of Gregerson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by Shiraishi, with a mobile gantry apparatus as shown in Gregerson, for the purpose of ease of use. By making the gantry apparatus mobile the apparatus in conjunction with the computer imaging apparatus could be used in more places throughout the hospital as suggested in Gregerson.

As per claim 11, Shiraishi discloses a method for servicing an external device used in combination with an installed medical imaging apparatus that comprises a plurality of permanently installed components, said external device being separate from said permanently installed components (Paragraphs 1-4; disclose that the invention relates to a medical apparatus and services external devices Figure 2, paragraphs 30-34; discloses that the medical imaging apparatus or computer comprises a plurality of permanently installed components where permanently installed refers to a component that is not easily removed, these components are RAM, CPU, ROM, HDD or hard drive with corresponding software. These components include a control unit which as described in the applicant's specification page 3, line 17, is the unit which allows communication with the remote location for servicing and maintenance, in this case the control unit is a combination of the software located on the computer and the network

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interface that allows the computer to communicate with the remote location. Fig. 1, character 103, paragraph 30; discloses the external device in this example case it is a gantry apparatus. Figure 2; discloses that the gantry apparatus has an interface to connect with the imaging apparatus. Page 3, paragraph 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer), comprising the steps of:

establishing a communication link between said installed medical imaging apparatus and a service center remote from said installed medical imaging apparatus (Fig. 1, paragraph 3; disclose there is a communication link between the installed medical device and a service apparatus);

via said communication link, remotely servicing said installed medical imaging apparatus from said service center (Paragraph 3; discloses that the communication link is used to remotely service the installed medical apparatus);

temporarily connecting said external device to said installed medical imaging apparatus (Fig. 2. paragraph 4; disclose that there is an external device, which in this example is a gantry apparatus, that is connected to the installed medical imaging apparatus); and

routing said communication link through said installed medical imaging apparatus to said external device (Fig. 2, characters 9 and 10; disclose the routing of the communication link from the installed medical imaging apparatus); and

remotely servicing said external device from said service center through said installed medical imaging apparatus (Paragraph 4; discloses that the external device is serviced remotely through the installed medical imaging apparatus);

While Shiraishi discloses an external device being a gantry apparatus it fails to explicitly disclose the specifics of the gantry apparatus particularly how it is installed.

Gregerson, which talks about a cantilevered gantry apparatus for x-ray imaging, teaches that a gantry apparatus is a separate unit which can be easily moved about by mounting it on a cart (Figures 1 and 2, page 2, paragraphs 23 and 24; teaches that a gantry apparatus can be easily moved about a room and that the images are not taken by the gantry but the scanning device which is mounted on the gantry and that the computer connected to the gantry is used with the gantry to move in particular user-defined positions).

Therefore, from this teaching of Gregerson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by Shiraishi, with a mobile gantry apparatus as shown in Gregerson, for the purpose of ease of use. By making the gantry apparatus mobile the apparatus in conjunction with the computer imaging apparatus could be used in more places throughout the hospital as suggested in Gregerson.

As per claim 12, Shiraishi discloses a method for charging for servicing of an external device used in combination with an installed medical imaging apparatus that comprises a plurality of permanently installed components, said external device being separate from said permanently installed components (Paragraphs 1-4; disclose that the invention relates to a medical apparatus and services external devices Figure 2, paragraphs 30-34; discloses that the medical imaging apparatus or computer comprises a plurality of permanently installed components where permanently installed refers to a component that is not easily removed, these components are RAM, CPU, ROM, HDD or hard drive with corresponding software. These components include a control unit which as described in the applicant's specification page 3, line 17, is the unit which allows communication with the remote location for servicing and maintenance, in this case the control unit is a combination of the software located on the computer and the network interface that allows the computer to communicate with the remote location. Fig. 1, character 103, paragraph 30; discloses the external device in this example case it is a gantry apparatus. Figure 2; discloses that the gantry apparatus has an interface to connect with the imaging apparatus. Page 3, paragraph 42; discloses that the gantry apparatus is shown in the reference to be a separate device apart from the computer or operation console and can even be purchased from a separate vendor. From this it is shown that the external device or gantry apparatus is not one of the core components of the computer, and is considered to be a completely separate device, but is still usable in combination with the installed medical imaging apparatus since it can be connected to the computer and used in conjunction with the computer), comprising the steps of:

installing said installed medical imaging apparatus manufactured by a first manufacturer (Fig. 1, paragraphs 1-4, 42; disclose the installing of medical apparatus manufactured by a first manufacturer);

providing said installed medical imaging apparatus with remote access equipment allowing said installed medical imaging apparatus to communicate with a service center located remote from said installed medical imaging apparatus for remote servicing of said installed medical imaging apparatus (Fig. 2, characters 9 and 10, paragraph 3; disclose remote access equipment that allow the medical apparatus to communicate with a service center);

connecting said external device, manufactured by a second manufacturer, to said installed medical imaging apparatus (Fig. 2, characters 9 and 103, paragraph 4 and 42; disclose an external device being connected to the installed medical apparatus by a second manufacturer);

establishing communication, through said remote access equipment of said installed medical imaging apparatus, between said external device and said remote center for remotely servicing said external device through said medical imaging apparatus (Fig. 2, characters 9, 10 and 103, paragraph 4; disclose that communication is established between the remote access equipment and the installed medical apparatus for servicing by a remote center); and

imposing a monetary charge by the manufacturer (Paragraph 2 and 58; disclose that the service provider imposes a monetary charge for a service contract and states

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that the contract is negotiated with the customer and checked before services are rendered).

Shiraishi fails to explicitly disclose wherein the imposing of the monetary charge is by said first manufacturer to said second manufacturer dependent on said remote servicing of said external device. The Examiner however asserts that it would have been obvious given the definition of the term contract (from www.dictionary.com that's that a contract is an agreement between two or more parties for the doing or not doing of something specified) that the first manufacturer would charge the second manufacturer for any services they agreed upon. The contract mentioned in paragraph 2 of Shiraishi states that the contract is between a customer since this is a maintenance agreement the manufacturer of the external device could have an agreement with the service provider that if services are performed on their device that they are to be charged the appropriate fee. The service provider mentioned in Shiraishi would need to have access to the component equipment and maintain this equipment to ensure that the entire system is working properly as mentioned in paragraph 4, and would not want to perform maintenance and updates to external devices that are not covered under the hospitals service agreement without having an agreement with the second vendor to get paid for services performed.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include imposing a charge to a second manufacturer of an external device in the system provided by Shiraishi, for the purpose of ensuring that the service provider is not doing maintenance and upgrades to parts of the system for

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free. The service provider mentioned in Shiraishi would need to have access to the component equipment and maintain this equipment to ensure that the entire system is working properly as mentioned in paragraph 4, and would not want to perform maintenance and updates to external devices that are not covered under the hospitals service agreement without having an agreement with the second vendor to get paid for services performed.

While Shiraishi discloses an external device being a gantry apparatus it fails to explicitly disclose the specifics of the gantry apparatus particularly how it is installed.

Gregerson, which talks about a cantilevered gantry apparatus for x-ray imaging, teaches that a gantry apparatus is a separate unit which can be easily moved about by mounting it on a cart (Figures 1 and 2, page 2, paragraphs 23 and 24; teaches that a gantry apparatus can be easily moved about a room and that the images are not taken by the gantry but the scanning device which is mounted on the gantry and that the computer connected to the gantry is used with the gantry to move in particular user-defined positions).

Therefore, from this teaching of Gregerson, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system provided by Shiraishi, with a mobile gantry apparatus as shown in Gregerson, for the purpose of ease of use. By making the gantry apparatus mobile the apparatus in conjunction with the computer imaging apparatus could be used in more places throughout the hospital as suggested in Gregerson.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson, further in view of Lisa Fratt: "What's Up with Contrast Injectors?" (February 2003) hereafter Fratt.

As per claim 2, the combination of Shiraishi and Gregerson discloses the above-enclosed invention, Shiraishi further discloses wherein said installed medical apparatus is a computed tomography apparatus and where there is an external device connected (Paragraph 2; discloses the system can be used in a CT scanner or MRI system, and the external device can be a plurality of machines including but not limited to a gantry apparatus).

Shiraishi fails to disclose wherein said external device is a power contrast agent injector.

Fratt, which talks about contrast injectors, teaches that the external device used in a computed tomography system can be a power contrast agent injector (Paragraph 4, heading Fact 3; teaches that the market for CT power injectors is growing due to new applications and procedures such as CT angiography, cardiac CT and perfusion imaging and that the faster the scanners are the more precise the delivery of contrast agent must be, from this it would have been obvious to exchange the external device used in the system provided by Shiraishi with a power contrast agent injector since it is one of many devices that could be used in conjunction with this system and would have to be monitored to ensure proper care and maintenance is observed).

Therefore from this teaching of Fratt, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment provided by the combination of Shiraishi and Gregerson, with the use of power contrast agent injector in a CT system taught by Fratt, for the purpose of providing the users of the system with the newest and most up to date equipment. Shiraishi also mentions that the system can comprise a plurality of machines and uses the gantry apparatus as an example, it would have been obvious to exchange the external device used in the system provided by Shiraishi with a power contrast agent injector since it is one of many devices that could be used in conjunction with this system and would have to be monitored to ensure proper care and maintenance is observed.

9. Claim 3 and 13-15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson, further in view of Bonissone et al. (6,609,217).

As per claims 3 and 13-15, the combination of Shiraishi and Gregerson discloses the above-enclosed invention; but fails to explicitly disclose wherein said control unit comprises security protecting for isolating said external device at least from permanently installed components of said installed medical imaging apparatus that are not involved in the remote servicing of the external device.

Bonissone et al., which talks about a system and method for diagnosing and validating a machine over a network using waveform data, teaches wherein said control unit comprises security protecting for isolating said external device at least from

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permanently installed components of said installed medical imaging apparatus that are not involved in the remote servicing of the external device (Col. 15, lines 46-67, Col. 16, lines 1-9; teaches that the system incorporates a firewall for security and to isolate the communications from the external devices being monitored from the rest of the traffic on the network, this security is necessary in any corporate or business environment so that information that is deemed important or confidential is not accessible from the outside or unauthorized users).

Therefore from this teaching of Bonissone et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment provided by the combination of Shiraishi and Gregerson, with the use of a firewall in the medical system taught by Bonissone et al., for the purpose of security. This security is necessary in any corporate or business environment so that information that is deemed important or confidential is not accessible from the outside or unauthorized users.

10. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson, further in view of Bonissone et al. (6,609,217), further in view of Dell: www.dell.com (June 10, 2002) hereafter Dell.

As per claim 4, the combination of Shiraishi, Gregerson and Bonissone et al. teaches the above-enclosed invention, Bonissone et al. teaches the use of a firewall for security but fails to explicitly disclose if the firewall is hardware or software.

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Dell, which talks about components that can be installed in a system, teaches wherein said security protection comprises security hardware (Page 17, Under FireWall/Secuirty/VPN, Page 22; teaches that firewalls can be in the form of hardware usable in a system).

Therefore from this teaching of Dell, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment that includes a firewall for security provided by the combination of Shiraishi, Gregerson and Bonissone et al., with the use of a hardware version of a firewall system taught by Dell, for the purpose of a dedicated piece of hardware, which would ease the burden of computing power off of the other computing devices in the system. Hardware firewalls have been known to be faster and more secure then their software alternatives.

As per claim 5, the combination of Shiraishi, Gregerson and Bonissone et al. teaches the above-enclosed invention, Bonissone et al. teaches the use of a firewall for security but fails to explicitly disclose if the firewall is hardware or software.

Dell, which talks about components that can be installed in a system, teaches wherein said security protection comprises security software (Page 17, Under FireWall/Secuirty/VPN, Page 19; teaches that firewalls can be in the form of software usable in a system).

Therefore from this teaching of Dell, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment that includes a firewall for security provided by the

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combination of Shiraishi, Gregerson and Bonissone et al., with the use of a software version of a firewall system taught by Dell, for the purpose of providing the user with an adequate security protection, with minimum change in the network setup and less over all cost. With a software firewall there is no need for extra hardware to be purchase or maintained just for the software to be installed on an existing system.

11. Claims 6, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 2003/0050792), in view of Gregerson et al. (US 2003/0235266A1) hereafter Gregerson, further in view of Dell.

As per claims 6, 7, 9 and 10, the combination of Shiraishi and Gregerson discloses the above-enclosed invention, Shiraishi discloses having a remote access interface, but fails to explicitly disclose whether it is an original or retrofitted component.

However, the Examiner asserts that when constructing a network certain components are required, such as remote access interfaces. Dell teaches that it is old and well known to purchase network cards and modems as either original or retrofitted components for a system (Pages 3-14; teaches that there are many components that can be optional when setting up an original system Pages 7-8; teaches that remote management cards Network Adapter cards and modems are all optional equipment that can be purchased and installed when the system is originally built. Page 24; teaches that networking products such as network adapters and modems can be purchased after the original equipment is set up. Customers would rather have the equipment installed original if available because it saves them time and resources, since they would have to buy the products separately and have them installed. Although the option

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of retrofitting components is useful for systems that may not have a need for this hardware, for example if the service was not available or was thought to not have been useful at the time, this can save them money on the initial building of the system. As the customer's needs change the equipment needs to be installed or upgraded. Even if the customer had a network adapter or modem installed in their original system they may have a desire at a future date to upgrade that equipment at a later date which advancements in hardware become available).

Therefore from this teaching of Dell, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote servicing of CT equipment provided by the combination of Shiraishi and Gregerson, with the use of originally installed or retrofitted components taught by Dell, to provide their customers flexibility. Customers would rather have the equipment installed original if available because it saves them time and resources, since they would have to buy the products separately and have them installed. Although the option of retrofitting components is useful for systems that may not have a need for this hardware, for example if the service was not available or was thought to not have been useful at the time, this can save them money on the initial building of the system. As the customer's needs change the equipment needs to be installed or upgraded. Even if the customer had a network adapter or modem installed in their original system they may have a desire at a future date to upgrade that equipment at a later date which advancements in hardware become available.

Response to Arguments

12. Applicant's arguments filed June 16, 2008 have been fully considered but they are not persuasive.

13. In response to applicant's argument that, "...the generally accepted meaning is the term is defined and used in the paragraph beginning at page 9, line 3 in the present specification, is simply a device that routes electronic messages along a particular communication path", the Examiner respectfully disagrees. The page 9, line 3 of the present specification does not site a device that routes electronic messages along a particular communication path, but rather it states "a router, either by software programming or hardwired connections, to establish a data link or communication channel between the power contrast agent 12 and the remote access interface 13..." from this it shows that a router is used to establish a data link or communication channel. A data link as defined by <http://encyclopedia2.thefreedictionary.com/data+link> is In communications, the physical interconnection between two points (OSI layers 1 and 2). It may also refer to the modems, protocols and all required hardware and software to perform the transmission. Which is not considered to be a simply a router which as defined by the applicant's amendment "is simply a device that routes electronic messages along a particular communication path". A communication channel as defined by <http://encyclopedia2.thefreedictionary.com/communication+channel> is (2) The physical connecting medium in a network, which could be twisted wire pairs, coaxial cable or optical fiber between clients, servers and other devices. From this the Examiner asserts that the specification does not conform with the standard meaning of

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the term router, either as originally given by the Examiner or by the applicant in the amendment presented on June 16, 2008. The broadest reasonable interpretation of the specification can lead one of ordinary skill to believe that a router is simply a piece of wire connecting two devices, not a device itself.

14. In response to the applicant's argument that "those of ordinary skill in the field of medical imaging, and in the field of computed tomography in particular, would not consider the gantry of a computed tomography apparatus as being a "external device" in the sense of the gantry being external to the computed tomography apparatus. The gantry is the core component of a computed tomography system, and is a very heavy, bulky, permanently installed component of the system. Moreover, the gantry is not "used with" a computed tomography apparatus, but is an essential, basic component of the apparatus itself." The Examiner respectfully disagrees, the Shiraishi reference shows that there are several apparatuses enclosed in the system and the apparatus that constructs the images is in fact the computer or operation console and not the gantry apparatus. For the gantry apparatus to be considered a core part of the imaging apparatus it would have to be included in the computer system itself and Shiraishi clearly shows in Figure 2 that the gantry apparatus is a separate apparatus from the computer system used to construct the images. Shiraishi (Page 3, paragraphs 41-42) further discloses that the computer system maybe bought separately from the gantry apparatus and even upgraded separately showing a distinct separation between the two devices. Supporting reference Gregerson is used to show the specifics of a gantry apparatus, and show that while the applicant claims that the gantry apparatus is a very

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heavy, bulky and permanently installed component, it can in fact be otherwise.

Gregerson shows (Page 2, paragraphs 23-24 as described in the above rejection) that a gantry apparatus can be mobile and easily moved from one place to another in a hospital. Gregerson further shows that the gantry itself doesn't take the images but rather it is the computer and other systems that perform these tasks. Gregerson also shows that the gantry apparatus can be used with the computer, in that the computer tells the gantry in what positions to rotate and how to orientate itself. From this the Examiner asserts that the gantry apparatus conforms to the current claim language recited in the pending claims, in that it is not a permanently installed component of the computer system responsible for constructing the images and is indeed a separate distinct device and thus reads over the claimed invention.

15. In response to applicant's argument that, "the Shiraishi reference teaches away from the subject matter of claim 12 (as well as the other independent claims) because, as the Examiner has noted, the component that the Examiner has characterized as corresponding to the "external device" in Shiraishi is actually a built-in (permanently installed) component." The Examiner respectfully disagrees, as discussed above the gantry apparatus is **not** in any way a built-in or permanently installed component. For this reason the Examiner asserts that Shiraishi does not teach away from the subject matter of claim 12 or any of the independent claims.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF

/Dennis Ruhl/
Primary Examiner, Art Unit 3689